

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: **Francis J. MAGUIRE, Jr.** :

Application Serial No.: **09/772,016** : Group Art Unit: 2614

Filing Date: **January 29, 2001** : Examiner: Michael Lee

U.S. Pat. No.: 6,798,443

Issued: Sept. 28, 2004

Title: **APPARATUS FOR INDUCING ATTITUDINAL HEAD MOVEMENTS FOR
PASSIVE VIRTUAL REALITY**

Commissioner of Patents
Mail Stop: Petition
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR A REFUND
UNDER 37 C.F.R. § 1.26

Sir:

Please see the Remarks that follow on page 2 concerning small entity reissue fees and petition surcharge fee paid January 22, 2013 by credit card by mistake. It is not believed that any fee is due for this petition, but if that belief is incorrect, please charge Deposit Account 23-0442.

PETITION REMARKS

Applicant hereby petitions, in accordance with 37 C.F.R. 1.26, for a refund paid by credit card on January 22, 2013 in connection with a misdirected Electronic Filing System submission on the same day of papers for a reissue application for U.S. Patent No. 6,798,443 seeking a corrected claim under 35 U.S.C. § 120 to the benefit of prior U.S. Patent Application No. 09/524,491 filed March 13, 2000.

The mistake arose January 22, 2013 in connection with an intended EFS filing of a reissue application immediately after authentication of the Digital Certificate of undersigned by clicking "Existing application/patent/proceeding" which is evidently the incorrect function to click instead of "New application/proceeding." The filing included fees for reissue application of \$195 for the basic filing fee, \$310 for a search fee, \$380 for an examination fee, and \$250 for two extra independent claims, for a total of \$1,135 made by credit card payment as specified during the EBC payment process performed contemporaneously with the filing thereof.

The reissue application papers also included a petition for delayed claim of priority that was accompanied by the surcharge fee of \$1410.00 set forth in 37 C.F.R. 1.17(t) as required by 37 C.F.R. § 1.78(a)(3)(ii), and the surcharge fee was also made by credit card payment as specified during the EBC payment process performed contemporaneously with the filing thereof.

The undersigned believes the filing was ineffective for the intended purpose and intends to re-file all the papers via EFS (no change of purpose), this time clicking the correct main function to get the papers into the correct pipeline and re-charging my credit card the same fees again. Since it appears that there was no effective filing of the intended reissue application and since there is no change in purpose, in accordance with 37 C.F.R. § 1.26, applicant hereby petitions for a refund for the above noted fees of that total \$2,545 paid by mistake to my credit card account to which the fees were charged on January 22, 2013.

Respectfully submitted,

Date: January 25, 2013
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/Francis J. Maguire/
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